



12/11/2007

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICARDO SAEZ

Defendants.

No. CR 07-00504 JW

Related Cases: CR 07-0507 JW CR 07-0525 JW

CR 07-0523 JW

CR 07-0524 JW

STIPULATION AND (PROPOSED)

ORDER TO CONTINUE AND

EXCLUDED TIME PURSUANT

TO SPEEDY TRIAL ACT

TO THE HONORABLE JAMES WARE:

Defendant Ricardo Saez, through his counsel, Mary Elizabeth Conn, and Assistant United States Attorney Thomas O'Connell stipulate and agree that time shall be excluded from December 3, 2007 through January 7, 2008 pursuant to 18 U.S.C. §§ 3161 (h)(8)(A) and (B)(iv), the Speedy Trial Act, in that the ends of justice served by the continuance requested outweigh the best interest of the defendant and public in speedy trial because the failure to grant such a continuance would deny the defense the time necessary for effective preparation, taking into account the exercise of due diligence.

The parties request that the date of January 7, 2008 at 1:30 pm be set for status of Mr. Saez, and that the date of December 3, 2007, currently set, be vacated for the reasons

1 set forth below.

2 The parties stipulate and request that the Court find the following as a factual basis
3 for excluding the time pursuant to the Speedy Trial Act:
4

5 (1) Defense counsel Mary Conn is currently scheduled to appear in Santa Cruz
6 County Superior Court for an unrelated jury trial and is unavailable on December 3,
7 2007.
8

9 (2) In addition, the government is in the process of preparing and providing
10 discovery in this case. An exclusion of time is necessary to afford the government time to
11 complete the discovery process and to permit the defense to adequately assess the discovery
12 and make informed decisions regarding any possible trial in this case.
13

14 For these reasons, the parties agree that a continuance is necessary to ensure that
15 counsel is available and prepared to make informed decisions regarding the case, and
16 denial of such a continuance would unreasonably deny the defendant effective case
17 preparation pursuant to 18 U.S.C. § 3161 (h)(8)(A) and 3161(h)(B)(iv).
18

19 Dated: November 30, 2007

Respectfully submitted,
MARY E. CONN & ASSOCIATES

20
21 /s/
Mary Elizabeth Conn,
22 Attorney for Defendant Ricardo Saez

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24 SCOTT N. SCHOOLS
United States Attorney

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26 /s/
Thomas M. O'Connell, AUSA
27 By permission
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 07-00504 JW
)	
Plaintiff,)	
vs.)	
)	ORDER EXCLUDING TIME
)	PURSUANT TO SPEEDY TRIAL ACT
)	
)	
RICARDO SAEZ,)	
)	
Defendant.)	

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, THE COURT INDEPENDENTLY FINDS, IT IS HEREBY ORDERED that the time from December 3, 2007 to January 7, 2008 is excluded from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED. The Stipulation to continue hearing is denied as MOOT.

DATED: December 11, 2007

